

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN WILHELM, et al.,

Plaintiffs/Counterclaim-Defendants,

vs.

NOEL BEASLEY, et al.,

Defendants/Counterclaim-Plaintiffs.
-----X

:
: Case No. 1:15-cv-04029-LAK-JLC
:

: **STIPULATION AND [PROPOSED] ORDER**
:

WHEREAS, this case was commenced on February 11, 2015 in the United States District Court for the District of Nevada and, on May 27, 2015, was transferred to the United States District Court for the Southern District of New York (the “Action”);

WHEREAS, on July 29, 2015, Defendants/Counterclaim-Plaintiffs filed a counterclaim against Plaintiffs/Counterclaim-Defendants;

WHEREAS, on February 2, 2016, this Court issued a 60-day stay while Plaintiffs/Counterclaim-Defendants and Defendants/Counterclaim-Plaintiffs discussed a potential resolution of the Action;

WHEREAS, on April 5, 2016, Plaintiffs/Counterclaim-Defendants and Defendants/Counterclaim-Plaintiffs participated in a telephone status conference with United States Magistrate Judge James L. Cott to discuss the status of the Action in light of the stay then in effect and the progress of the continuing discussions among the parties; and

WHEREAS, on May 19, 2016, United States District Court Judge Lewis A. Kaplan entered an Order (1) dismissing this action without prejudice and (2) providing that, at any time through January 31, 2017, the Action was subject to reinstatement, in its entirety, upon

motion by either party, but that if neither party moved for reinstatement by January 31, 2017, the Court would dismiss the Action with prejudice (the "Dismissal and Reinstatement Order").

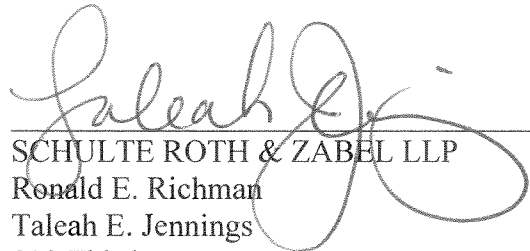
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties hereto, that:

1. The deadline of January 31, 2017 for the parties to move for reinstatement, as set forth in Paragraphs 1 and 4 of the Dismissal and Reinstatement Order, is hereby extended to July 31, 2017.

2. Other than the changes described in Paragraph 1 immediately above, all other terms and conditions of the Dismissal and Reinstatement Order are incorporated herein by reference and remain in full force and effect.

Dated: New York, New York
January 23, 2017

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IT IS SO ORDERED, this _____ day of _____, 2017.

HONORABLE LEWIS A. KAPLAN

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HONORABLE LEWIS A. KAPLAN